

STATE OF INDIANA) IN THE LAKE COURT
) SS:
 COUNTY OF LAKE) CAUSE NO.

H.A., a minor, b/n/f NICOLE ANDERSON

VS.

ULISES VILLALOBOS,
 DALIA LOGISTICS INC.,
 and BLACK HAWK LOGISTICS INC.

COMPLAINT FOR DAMAGES

Come now the Plaintiff, H.A., a minor, b/n/f Nicole Anderson, by counsel, Ken Nunn Law Office, and for her cause of action against the Defendants, Ulises Villalobos, Dalia Logistics Inc., and Black Hawk Logistics Inc., alleges and states as follows:

STATEMENT AND JURISDICTION

1. This is a clear liability collision in which Defendants' 2001 Kenworth tractor and attached trailer, was negligently driven by Ulises Villalobos causing a collision with the vehicle driven by Plaintiff, H.A., a minor. As a result of the collision, Plaintiff has incurred medical expenses, lost wages, property damage and other special expenses in an amount to be proven at trial of this cause.

2. Jurisdiction and venue are appropriate in Lake County, Indiana, as said collision occurred within the boundaries of Lake County, State of Indiana.

FIRST CAUSE OF ACTION

NEGLIGENCE OF TRUCK DRIVER

3. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 2 above as if fully restated verbatim.

4. On or about July 14, 2022, Defendant Ulises Villalobos negligently drove a tractor-trailer striking the vehicle driven by Plaintiff, H.A., a minor.

5. Defendant Ulises Villalobos had a duty to operate his tractor trailer in a safe and reasonable manner.

6. Defendant Ulises Villalobos failed in the above mentioned duties and is therefore negligent.

7. Defendant Ulises Villalobos' negligence was the direct and proximate cause of Plaintiff injuries.

8. Plaintiff's injuries and damages are permanent.

9. Plaintiff has incurred medical bills for the treatment of her injuries directly resulting from this collision.

10. As a direct and proximate result of Ulises Villalobos's negligence, H.A., a minor, has experienced physical and mental pain and suffering and property damage, and has lost the ability to perform usual activities, resulting in a diminished quality of life.

SECOND CAUSE OF ACTION

NEGLIGENCE PER SE OF TRUCK DRIVER

11. Plaintiff realleges and incorporates herein by reference paragraphs 1 through 10 above as if fully restated verbatim.

12. Ulises Villalobos violated state and federal statutes and regulations including but not limited to Title 9 of the Indiana Code.

13. Defendant Ulises Villalobos's statutory violations directly and proximately caused Plaintiff's damages and injuries.

14. Defendant Ulises Villalobos is negligent per se based on these statutory and regulatory violations.

THIRD CAUSE OF ACTION

RESPONDEAT SUPERIOR OF TRUCK COMPANY

15. Plaintiff reallege and incorporate herein by reference paragraphs 1 through 14 above as if fully restated verbatim.

16. Defendant Ulises Villalobos was the employee, agent, servant, or independent contractor for Dalia Logistics Inc. and Black Hawk Logistics Inc. Accordingly, Dalia Logistics Inc. and Black Hawk Logistics Inc. are vicariously liable for the acts of Defendant Ulises Villalobos for the causes of action above.

WHEREFORE, the Plaintiff, H.A., a minor, by counsel, Ken Nunn Law Office, demand judgment against the Defendants, Ulises Villalobos, Dalia Logistics Inc., and Black Hawk Logistics Inc., for permanent injuries in a reasonable amount to be determined at the trial of this cause, for medical expenses, property damage and other special expenses, court costs and all other just and proper relief in the premises.

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REQUEST FOR TRIAL BY JURY

Comes now the plaintiff, by counsel, Ken Nunn Law Office, and requests that this matter be tried by jury pursuant to Trial Rule 38.

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